

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Sarah D. Shinaver,

Case No. 3:16 CV 2800

Plaintiff,

ORDER ADOPTING
REPORT AND RECOMMENDATION

-vs-

JUDGE JACK ZOUHARY

Commissioner of Social Security,

Defendant.

This Court has reviewed the Report and Recommendation (“R&R”) of the Magistrate Judge filed December 1, 2017 (Doc. 13). The R&R recommends this Court vacate the final decision of the Commissioner and remand for further proceedings. Specifically, the R&R concludes (1) the administrative finding regarding Plaintiff’s ability to stoop, kneel, crouch, and crawl is not supported by substantial evidence; (2) the administrative decision failed to properly evaluate the opinion of Dr. Tanya Baldwin under the treating physician rule; and (3) the administrative decision failed to identify discrepancies between the opinions and treatment notes of Dr. Chandani Lewis, in explaining the weight assigned to her opinion.

Under 28 U.S.C. § 636(b)(1), a party must serve and file written objections to the Magistrate’s proposed findings and recommendations within fourteen (14) days of being served with the R&R, at which time this Court makes a *de novo* determination of those portions of the R&R to which objections were made. The failure to file objections within the time frame set forth in the statute constitutes a waiver of *de novo* review by the district court. *See United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *Thomas v. Arn*, 474 U.S. 140 (1985).

The Commissioner filed a Response (Doc. 15) to the R&R advising that she “will not be filing objections.” The R&R accurately states the facts and law, and this Court adopts it in its entirety. Accordingly, the final decision of the Commissioner is vacated, and the case is remanded under 42 U.S.C. § 405(g) sentence four, for further proceedings consistent with the R&R.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

December 20, 2017